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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,415	07/16/2003	Chih-Hsin Yu	YUCH3022/EM	7362
23364	7590	04/15/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			COLE, LAURA C	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/619,415

Applicant(s)

YU, CHIH-HSIN

Examiner

Laura C. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al., US 2004/0019991 in view of Hoagland, USPN 5,317,779.

Neal et al. disclose the claimed invention including a handle (14) and a substantially parallelepiped cleaning head at a forward end of the handle (12), the cleaning head including a blade extending horizontally from a forward side of the cleaning head (30; see Figures 1-2), the cutting edge consisting of a series of curved peaks and valleys conformed to open spaces of a barbecue grill (Paragraph 23, Lines 6-9). The cleaning head further comprises a substantially parallelepiped cavity on its sides (portion of brush head where "36" is received, Paragraph 25, Lines 5-8, see also Figure 4), the cavity having two slots at front and rear sides respectively (one is "46"

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and the other is not shown; the two slots correspond to "42" and "44"; Paragraphs 26-27), and a parallelepiped metal bristle carrier (36; Paragraph 25, Lines 12-14), the metal bristle carrier including two claws at front and rear sides thereof (42 and 44, Figure 5; Paragraphs 26-27), the claws capable of being adapted to hook into slots (Paragraphs 26-27). The handle comprises a hook at its rear end (21) which can be used for lifting the grate or to scrape the underside of the cooking grate (Paragraph 21). Neal et al. does not disclose that the handle is hollow.

Hoagland discloses a cleaning tool that has bristles, a parallelepiped head, and a scraping blade wherein the handle is hollow (Column 2 Line 65 to Column 3 Line 1).

It would have been obvious for one of ordinary skill in the art to modify the handle of Neal et al. to be hollow, as Hoagland teaches, so that there is less material being used to manufacture the handle thereby making the product less expensive and lighter in weight.

2. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al., US 2004/0019991 in view of Hoagland, USPN 5,317,779 as applied to claim 2, and in further view of Martner, D341,065 and in even further view of Maddux, USPN 680,263.

Neal et al. discloses all elements above in Paragraph 1 including a hook at its rear end (21) which can be used for lifting the grate or to scrape the underside of the cooking grate (Paragraph 21). Further, Neal et al. includes a plurality of slip resistant elements on a top of a rear section of a handle to exert a slip resistant force (20; Paragraph 20). Additionally, the handle can have a "trough" (empty space to receive a

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coating of malleable rubber or soft plastic material on the handle, Paragraph 20) on a bottom surface of the rear section thereof (Paragraph 20), and a cap of non-slip surface fitted to the trough (the coating of malleable rubber or soft plastic, Paragraph 20). Neal et al. does not include a hook having transverse members.

Hoagland discloses all elements in Paragraph 1, however also does not include a hook having transverse members.

Martner discloses a lifting tool for a barbeque grill that includes a first and second transverse member (the two respective portions shown parallel to horizontal in Figures 2-5) and a connecting member (portion extending into handle shown by hatched lines), wherein one end of the connecting member is extended axially away from the handle (see Figures), the transverse members being parallel to each other (see Figures), the first transverse member includes two symmetric upward bent sections at both ends (see leftmost portion of Figure 1), and a second transverse member having two symmetric bent sections (see Figures). The lifting tool of Martner does not include that the connecting member extends arcuately away from the handle or that the second transverse members are bent downwards.

Maddux discloses a lifting device having a connecting member extending arcuately away from the handle (B) and two symmetric upward bent sections (A) and two symmetric downward bent sections (C).

It would have been obvious for one of ordinary skill in the art to modify the hook portion of Neal et al. and Hoagland to have an arcuately, axially curved section extending away from a handle with first and second transverse members each having a

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pair of symmetric upwardly bent sections or a pair of symmetric downwardly bent sections, as Martner and Maddux teach, in order to have a hook portion with sufficient support for lifting a barbeque grate.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al., US 2004/0019991 in view of Hoagland, USPN 5,317,779 as applied to Claim 1, and further in view of Kahler et al., US 2002/0178523.

Neal et al. and Hoagland disclose all elements above in Paragraph 1, however do not disclose that the parallelepiped bristle carrier is specifically for carrying a sponge.

Kahler et al. disclose a grill cleaning device that includes a sponge member (40) for removing grease and residue from a grilling surface (Paragraph 15).

It would have been obvious for one of ordinary skill in the art to substitute the bristle cleaning elements of Neal et al. and Hoagland for a sponge member, as Kahler et al. teach, for removing greasy residue from a grilling surface.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neal et al., US 2004/0019991 in view of Hoagland, USPN 5,317,779.

Neal et al. and Hoagland disclose all elements above in Paragraph 1, however do not disclose that the parallelepiped bristle carrier is specifically a *plastic* bristle carrier. It is noted that the bristles of Neal et al. should comprise a material that is resistant to rust (Paragraph 25).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have the bristles of Neal et al. comprise a plastic material, since it has been held to be within the general skill of a worker in the art to select a known

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material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416. Further, it would have been obvious for one of ordinary skill in the art to have the bristles of Neal et al. and Hoagland comprise a plastic material, since plastic is known to be resistant to rust.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 6,745,428 to MacLean discloses a grill cleaning device with a cleaning blade and bristle portion that uses two claw members to attach a parallelepiped cleaning portion to a parallelepiped cleaning head. The two claw members are disposed on the sides of the cleaning portion.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

LCC

13 April 2005

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